

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

GadgetTown Inc. d/b/a
GadgetTown.com

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File No.: EB-10-SE-082

CITATION

ILLEGAL MARKETING OF SIGNAL JAMMING DEVICES

Adopted: May 2, 2011

Released: May 4, 2011

By the Acting Chief, Spectrum Enforcement Division, Enforcement Bureau:

I. INTRODUCTION

1. This is an official **CITATION** issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (“Communications Act”),¹ to GadgetTown d/b/a GadgetTown.com (“GadgetTown”) for marketing in the United States unauthorized radio frequency devices – cell phone signal blockers and GPS signal jammers – in violation of section 302(b) of the Communications Act,² and section 2.803 of the Commission’s rules (“Rules”).³

2. GadgetTown should take immediate steps to come into compliance and to avoid any recurrence of this misconduct. These jamming devices pose significant risks to public safety and other radio communications services. As explained below and as provided in the Communications Act, future violations of the Rules in this regard may subject your company to substantial monetary penalties, seizure of equipment, and criminal sanctions.

II. BACKGROUND

3. The Enforcement Bureau (“Bureau”) of the Federal Communications Commission (“Commission” or “FCC”) initiated an investigation of GadgetTown and its marketing of the following unauthorized radio frequency devices in the United States: the Cigarette Case Cell Phone Signal Blocker, the Portable Cell Phone Signal Blocker, the 60M Range Mountable Cell Phone Signal Blocker and the Portable Anti-Tracker GPS Signal Jammer Blocker. The staff of the Bureau’s Spectrum Enforcement Division (“Division”) observed that GadgetTown offered for sale the four signal jamming devices on the

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. § 2.803.

company's web site,⁴ and on July 23, 2010, the Division issued a letter of inquiry ("LOI") to GadgetTown.⁵ The company responded to the LOI on August 31, 2010.⁶

4. In its response to the LOI, GadgetTown stated that it marketed the aforementioned signal jamming devices between July 1, 2010 and July 22, 2010,⁷ selling a total of 15 signal jamming devices to U.S. consumers during that period.⁸ In addition, GadgetTown identified the supplier and quantity of each device sold in July 2010.⁹ GadgetTown explained that it did not manufacture any of the devices, but shipped the products directly from Shenzhen, China.¹⁰ Finally, GadgetTown stated that it was not aware of regulations prohibiting the import and sale of the signal jamming devices, and that since receiving notification from the Commission, it has taken steps to ensure "that there will be no further prohibited items imported into the United States."¹¹

III. APPLICABLE LAW AND VIOLATIONS

5. Federal law prohibits the marketing and operation of signal jamming devices in the United States and its territories. Section 333 of the Communications Act states that "[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government."¹² In addition, section 302(b) of the Communications Act provides that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section."¹³

6. The applicable implementing regulations for section 302(b) are set forth in sections 2.803, 15.201 and 15.3(o) of the Rules.¹⁴ Section 2.803(a)(1) of the Rules provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the

⁴ See www.gadgettown.com. Enforcement Bureau staff first observed the web site on July 6, 2010.

⁵ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Shu Wu, GadgetTown Inc. d/b/a GadgetTown.com (July 23, 2010).

⁶ See Letter from Paul A. Goldberger, Esq., counsel for GadgetTown, to Karen Mercer and JoAnn Lucanik, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (August 31, 2010). On August 10, 2010, the Division granted GadgetTown an extension of time to respond to the LOI, setting a new response date of September 1, 2010.

⁷ See *id.* at 1.

⁸ See *id.* at 1-2.

⁹ See *id.* at 2.

¹⁰ See *id.*

¹¹ *Id.* at 3.

¹² 47 U.S.C. § 333.

¹³ 47 U.S.C. § 302a(b).

¹⁴ 47 C.F.R. §§ 2.803, 15.201, and 15.3(o).

rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.¹⁵

Additionally, section 2.803(g) of the Rules provides in relevant part that:

[R]adio frequency devices that could not be authorized or legally operated under the current rules ... shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.¹⁶

7. Pursuant to section 15.201(b) of the Rules,¹⁷ intentional radiators¹⁸ like signal jamming devices cannot be marketed in the United States or its territories unless they have first been authorized in accordance with the Commission's certification procedures. Section 2.803(e)(4) of the Rules defines "marketing" as the "sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease."¹⁹

8. Signal jamming devices, however, cannot be certified or authorized because their primary purpose is to block or interfere with authorized radio communications. As noted above, a device intended for such use is clearly prohibited by section 333 of the Communications Act. Thus, signal jamming devices such as those offered by GadgetTown cannot comply with the FCC's technical standards and therefore cannot be marketed lawfully in the United States or its territories.

9. GadgetTown admits that it imported and marketed the signal jamming devices in the United States. Accordingly, we find that GadgetTown violated section 302(b) of the Communications Act and section 2.803 of the Rules by marketing in the United States radio frequency devices (the Cigarette Case Cell Phone Signal Blocker, the Portable Cell Phone Signal Blocker, the 60M Range Mountable Cell Phone Signal Blocker, and the Portable Anti-Tracker GPS Signal Jammer Blocker) that are not eligible for certification. We therefore issue this Citation to GadgetTown for violating the Communications Act and the Rules as discussed above.

IV. FUTURE COMPLIANCE

10. If, after receipt of this Citation, GadgetTown violates the Communications Act or the Rules by engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation, and up to \$112,500 for any single act or failure to act.²⁰ In addition, violations of the Communications Act or the

¹⁵ 47 C.F.R. § 2.803(a)(1).

¹⁶ 47 C.F.R. § 2.803(g).

¹⁷ 47 C.F.R. § 15.201(b).

¹⁸ An "intentional radiator" is a "device that intentionally generates and emits radio frequency energy by radiation or induction." 47 C.F.R. § 15.3(o).

¹⁹ 47 C.F.R. § 2.803(e)(4).

²⁰ See 47 U.S.C. §§ 401, 501, 503; 47 C.F.R. § 1.80(b)(3). This amount is subject to further adjustment for inflation (see *id.* § 1.80(b)(5)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

Rules can result in seizure of equipment through *in rem* forfeiture actions, as well as criminal sanctions, including imprisonment.²¹

11. GadgetTown may respond to this Citation within thirty (30) calendar days after the release date of this Citation either through (1) a personal interview at the closest FCC office, or (2) a written statement. Any written statements should specify what actions have been taken by GadgetTown to ensure that it does not violate the Communications Act and the Rules prohibiting the marketing of radio frequency signal jamming devices in the future. Please reference file number EB-10-SE-082 when corresponding with the Commission.

12. Under the Privacy Act of 1974, any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.²² Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.²³ Please also note that section 1.17 of the Rules requires that you provide truthful and accurate statements to the Commission.²⁴

V. CONTACT INFORMATION

13. The closest FCC office is the New York District Office in New York, NY. You may contact Karen Mercer by telephone, (202) 418-1160, to schedule a personal interview, which must take place within thirty (30) calendar days after the release date of this Citation. You should send any written statement within thirty (30) calendar days after the release date of this Citation to:

John D. Poutasse
Acting Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W. Rm. 3-C366
Washington, D.C. 20554
Re: EB File No. EB-10-SE-082

14. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need providing as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five (5) days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
(202) 418-0530 (voice), (202) 418-0432 (tty);

²¹ See 47 U.S.C. § 510.

²² See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

²³ See 18 U.S.C. § 1001 *et seq.*

²⁴ 47 C.F.R. § 1.17 (“[N]o person subject to this rule shall: (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and (2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”).

For accessible format materials (braille, large print, electronic files, and audio format):
(202) 418-0531 (voice), (202) 418-7365 (tty).

VI. ORDERING CLAUSES

15. **IT IS ORDERED** that a copy of this Citation shall be sent both by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Mr. Shu Wu, GadgetTown, Inc., 726 64th Street, Brooklyn, New York 11220-4714, and his counsel, Mr. Paul A. Goldberger, Esq., Goldberger & Dubin, P.C., 401 Broadway, New York, New York 10013.

FEDERAL COMMUNICATIONS COMMISSION

John D. Poutasse
Acting Chief, Spectrum Enforcement Division
Enforcement Bureau